



BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED  
AUG 09 2002  
TECH. CENTER 1600/2900

Re the application of: Robert W. Finberg *et al.*

Serial No.: 09/486,970

Filed: May 23, 2000

For: "The Use of Agents Which Bind G Proteins  
for Treating Septic Shock"

Attorney Docket No.: DFN-025US

Group Art Unit: 1653

Examiner: Jeffrey E. Russel

COPY OF PAPERS  
ORIGINALLY FILED

Commissioner for Patents  
Box AF  
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated January 28, 2002 of the Primary Examiner finally rejecting claims 1-7, 9 and 10.

The Commissioner is hereby authorized to charge the appeal fee of \$160.00 based on small entity status to our Deposit Account No. 12-0080. If for any reason the fee is insufficient, please also charge the balance to our Deposit Account. *For this purpose, a duplicate of this sheet is enclosed.*

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box AF, Washington, DC 20231 on:

July 29, 2002

Date

DeAnn F. Smith, Esq. Reg. No.: 36,683

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

DeAnn F. Smith, Esq.  
Registration No. 36,683  
28 State Street  
Boston, MA 02109  
(617) 227-7400

09486970

120080

08/07/2002 RMDNDAF1 00000088

160.00 CH

01 FC:219

Date: July 29, 2002

LAHIVE  
&  
COCKFIELD  
LLP

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DeANN FORAN SMITH  
PETER C. LAURO  
JEANNE M. DIGIORGIO  
DEBRA J. MILASINIC, Ph.D.  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.  
MEGAN E. WILLIAMS, Ph.D.  
RUCHA NAND  
MICHAEL PHILLIPPS  
LISA M. DIROCCO  
HATHAWAY P. RUSSELL  
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.  
PETER A. DIMATTIA  
VINCENT P. LOCCISANO  
MERIDETH C. ARNOLD

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCORFIELD, JR.  
SIBLEY P. REPPERT

PATENT AGENTS  
THEODORE R. WEST  
SHAYNE Y. HUFF, Ph.D.  
DANIEL B. KO

TECHNICAL SPECIALISTS  
CYNTHIA M. SOROOS  
PETER W. DINI, Ph.D.  
EUIHOON LEE  
JENNIFER K. ROSENFELD  
ALLAN TAMESHTT, Ph.D.  
CATHERINE E. McPHERSON  
ERIC F. WAGNER, Ph.D.  
SHAHID HASAN, Ph.D.  
JACOB G. WEINTRAUB  
JONATHAN M. SPARKS, Ph.D.  
CRISTIN E. HOWLEY, Ph.D.

\* Admitted in NY only  
\*\* Admitted in TX only

RECEIVED

AUG 09 2002

TECH CENTER 1600/2900

July 29, 2002

Commissioner for Patents  
Box AF  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/486,970  
Title: *"The Use of Agents Which Bind G Proteins  
for Treating Septic Shock"*  
Inventors: Robert W. Finberg *et al.*  
Filing Date: May 23, 2000  
Attorney Docket No. DFN-025US

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (1 page);
2. Request for Three-Month Extension of Time (1 page, in duplicate); and
3. Pre-paid acknowledgment postcard.

The Commissioner is authorized to charge any necessary fees or credit any overpayments during the pendency of this application to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. *For this purpose, a duplicate of this sheet is enclosed.*

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box AF, Washington, DC 20231 on:

July 29, 2002

Date

DeAnn F. Smith, Esq. Reg. No.: 36,683

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

DeAnn F. Smith, Esq.  
Registration No. 36,683  
28 State Street  
Boston, MA 02109  
(617) 227-7400

Date: July 29, 2002